

# TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Form DS1402



**Project Name:** SHERWOOD HOLLOW WEST

**Case Number:** PLD2004-00077; SEP2004-00138

**Location:** 2112 NE 104<sup>th</sup> Street

**Request:** To subdivide an approximately 8.2-acre parcel into 41 single-family residential lots in the R1-6 zoning district.

**Applicant:** Scott Fakler  
2015 E. McLouglin Blvd.  
Vancouver, W 98661  
(360) 699-7211  
E-mail: skfakler@comcast.net

**Contact Person:** Same as applicant

**Property Owner:** Harold Onslow Living Trust  
2112 NE 104<sup>th</sup> Street  
Vancouver, WA 98685

## **RECOMMENDATION**

**Approve, subject to Conditions of Approval**

**Team Leader's Initials:**  **Date Issued:** November 8, 2004

**Public Hearing Date:** November 23, 2004

### **County Review Staff:**

<b><u>Title</u></b>	<b><u>Name</u></b>	<b><u>Phone</u></b> (360) 397-2375 Ext.	<b><u>E-mail Address</u></b>
<b>Planner:</b>	Alan Boguslawski	4921	<a href="mailto:Alan.boguslawski@clark.wa.gov">Alan.boguslawski@clark.wa.gov</a>
<b>Engineer</b> (Trans. & Stormwater):	Ali Safayi	4102	<a href="mailto:Ali.safayi@clark.wa.gov">Ali.safayi@clark.wa.gov</a>
<b>Engineer</b> (Trans. Concurrency):	Shelley Oylear	4354	<a href="mailto:Shelley.oylear@clark.wa.gov">Shelley.oylear@clark.wa.gov</a>
<b>Team Leader:</b>	Krys Ochia	4834	<a href="mailto:Krys.ochia@clark.wa.gov">Krys.ochia@clark.wa.gov</a>

<b>Engineering Supervisor:</b> (Trans. & Stormwater):	Richard Drinkwater, P.E.	4492	Richard.drinkwater@clark.wa.gov
<b>Engineering Supervisor:</b> (Trans. Concurrency):	Steve Schulte P. E.	4017	Steve.schulte@clark.wa.gov

**Comp Plan Designation:** Urban Low Density Residential

**Parcel Number(s):** Tax Lot 1/10 (118230) in the SE ¼ of Section 35, Township 3 North, Range 1 East of the Willamette Meridian.

### **Applicable Laws:**

Clark County Code Chapters: 12.15 (Uniform Fire Code); Title 24 (Public Health); 40.220.010 (Single-Family Residential Districts); 40.350.010 (Pedestrian/Bicycle Circulation); 40.350.020 (Transportation Concurrency); 40.350.030 (Street and Road Standards); 40.370.010 (Sewer); 40.370.020 (Water Supply); 40.380 (Stormwater and Erosion Control); 40.500.010 (Procedures); 40.510.030 (Type III Process); 40.540.040 (Subdivisions); 40.570.080 (SEPA); 40.610 & 40.620 (Impact Fees); and RCW 58.17 (State Platting Laws)

### **Neighborhood Association/Contact:**

Sherwood Hills Neighborhood Association  
Dick Durland, President  
10525 NE Sherwood Dr  
Vancouver WA 98686  
(360) 576-0981

### **Time Limits:**

The application was determined to be fully complete on September 20, 2004 (see Exhibit #9). Therefore, the County Code requirement for issuing a decision within 92 days lapses on December 21, 2004. The State requirement for issuing a decision within 120 calendar days lapses on January 18, 2005.

### **Vesting:**

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on June 24, 2004. The pre-application was determined to be contingently vested as of May 28, 2004, the date the fully complete pre-application was submitted.

The fully complete application was submitted on August 25, 2004 and determined to be fully complete on September 20, 2004. Given these facts the application is vested on May 28, 2004.

**Public Notice:**

Notice of application and public hearing was mailed to the applicant, the Sherwood Hills Neighborhood Association and property owners within 300 feet of the site on September 30, 2004. One sign was posted on the subject property and two within the vicinity on November 8, 2004. Notice of the SEPA Determination and public hearing was published in the "Columbian" Newspaper on November 8, 2004.

**Public Comments:**

No written public comments have been received by the county in response to the public notice.

**Project Overview**

The site consists of an 8.2 acre parcel containing one existing single-family dwelling and a shed, which are proposed to be removed. It also contains a regional stormwater facility on the north portion of the site that serves the Sherwood Hollow subdivisions to the east of the site.

Approximately two-thirds of the property is generally open and grass-covered with some deciduous trees, while the remaining third is covered by fir trees and the stormwater facility. The land is gently sloping toward the northwest.

Abutting the site on the west is Princess Place subdivision with approximately 10,000 square foot lots, and on the east is Sherwood Hollow phases 1, 2, & 3, with approximately 6,000 square foot lots. The abutting parcel on the north contains St John's Lutheran Church, and south across NE 104<sup>th</sup> Street from the site is Sara J Anderson Elementary School.

The site is located within the Evergreen School District, Fire District #6, and Park District #8.

Surrounding uses and zoning are as indicated, along with those of the site, in the following table:

<b>Compass</b>	<b>Comp Plan</b>	<b>Zoning</b>	<b>Current Land Use</b>
Site	Urban Low Density	R1-6	One single-family residence
North	Urban Low Density	R1-6	Church
East	Urban Low Density	R1-6	Single-Family Residential
South	Urban Low Density	R1-6	Elementary School
West	Urban Low Density	R1-6	Single-Family Residential

## Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- |                                 |  |
|---------------------------------|--|
| 1. Earth                        | 9. Housing                             |
| 2. Air                          | 10. Aesthetics                         |
| 3. Water                        | 11. Light and Glare                    |
| 4. Plants                       | 12. Recreation                         |
| 5. Animals                      | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation                     |
| 7. Environmental Health         | 15. Public Services                    |
| 8. Land and Shoreline Use       | 16. Utilities                          |

Then staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

### Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

### LAND USE:

#### Finding 1 Lot Standards

The lot standards for the R1-6 zone are contained in CCC Table 40.220.010-2.

The average lot area of the proposal is 6,280 square feet, which complies with the minimum 6,000 sq ft standard.

Lots 7, 25 and 29 do not meet the minimum average lot depth of 90 feet. These lots average around 85 feet, approximately 5% below the standard. Therefore, the plat needs to be amended, or the applicant needs to obtain approval of an administrative variance. (see Condition A-1)

The applicable minimum setbacks are as follows:

- |              |                                      |
|--------------|--------------------------------------|
| Front:       | 20 feet                              |
| Street side: | 10 feet (applicable to Lots 17 & 38) |
| Side:        | 5 feet                               |
| Rear:        | 5 feet                               |

To help ensure compliance with setbacks, lot coverage, and building height, a note on the plat should be required. (see Condition C-1)

**Finding 2 Existing Structures**

The existing dwelling and shed that are to be removed or demolished may be subject to asbestos control inspection and regulations. The applicant should contact the Southwest Clean Air Agency. (see Condition A-2)

**TRANSPORTATION CONCURRENCY:**

**Finding 3 Concurrency**

The applicant submitted a traffic study for this proposal in accordance with CCC 40.350.020(B) and is required to meet the standards established in CCC 41.350.020(G) for corridors and intersections of regional significance. The county's Traffix™ model includes the intersections of regional significance in the area, and the county's model was used to evaluate concurrency compliance.

County concurrency staff has reviewed the proposed Sherwood Hollow West, consisting of 41 single family lots. The proposed development is located north of NE 104th Street, and west of NE 22<sup>nd</sup> Avenue. The applicant's traffic study estimates the weekday AM peak hour trip generation at 30 new trips, while the PM peak hour trip generation is estimated at 40 trips. The following paragraphs document two transportation issues for the proposed development, concurrency and safety.

**Finding 4 Site Access**

Level of Service (LOS) standards are not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur at the site accesses onto NE 104<sup>th</sup> Street at NE 23<sup>rd</sup> Avenue and NE 20<sup>th</sup> Street. The accesses appear to maintain acceptable LOS.

**Finding 5 Operating LOS on Corridors**

The proposed development was subject to concurrency modeling. The modeling results indicate that the operating levels comply with travel speed and delay standards.

The applicant should reimburse the county for costs incurred in running the concurrency model. (see condition A-3)

**Finding 6 Operating LOS at Intersections of Regional Significance**

The traffic study reports the intersection of NE 23<sup>rd</sup> Avenue and NE 99<sup>th</sup> Street to operate at LOS F during the AM peak hour at development build-out. The study reports that the southbound approach could accommodate two southbound lanes. With the separate southbound left and right turn lane the intersection will operate at LOS D. A previously approved development has volunteered to perform this mitigation. The applicant shall ensure that the improvement is installed. (see Condition B-1)

To comply with these requirements, the applicant shall submit a signing and striping plan and a work order, authorizing Clark County Road Operations to perform the required work. The Department of Public Works must approve this work prior to final plat approval. (See Condition A-4)

Subject to the recommended conditions of approval, Public Works Transportation staff finds that the proposed development complies with the Concurrency Ordinance (CCC 40.350.020).

#### Finding 7      Safety

Where applicable, a traffic study shall address the following safety issues:

- traffic signal warrant analysis,
- turn lane warrant analysis,
- accident analysis, and
- any other issues associated with highway safety.

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 12.05.230. This ordinance states that “nothing in this chapter shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in CCC 12.41 or a *significant* traffic or safety hazard *would be caused or materially aggravated* by the proposed development: provided that the developer may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020.”

#### Finding 8      Traffic Signal Warrants

Signal warrants are not met at any of the subject intersections analyzed in the applicant's traffic study.

#### Finding 9      Turn Lane Warrants

Turn lane warrants are evaluated at unsignalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway. The applicant's traffic study analyzed the roadways in the local vicinity of the site to determine if turn lane warrants are met. Turn lane warrants were not met at any of the unsignalized intersections analyzed in the applicant's traffic study, other than the intersection of NE 23<sup>rd</sup> Avenue and NE 99<sup>th</sup> Street previously discussed; therefore, additional mitigation is not required.

#### Finding 10    Historical Accident Situation

The applicant's traffic study analyzed the accident history at the regionally significant intersections; all of the historical accident rates at these intersections are below 1.0 accident per million entering vehicles. Therefore, mitigation by the applicant is not required, based on accident history.

#### Finding 11    Traffic Controls During Construction

During site development activities, the public transportation system (roadways, sidewalks, bicycle lanes, etc.) may be temporarily impacted. In order to minimize these impacts and coordinate work occurring in the public right-of-way, the applicant will need to prepare and have approved a Traffic Control Plan. (see Condition B-2)

## TRANSPORTATION:

### Finding 12 Pedestrian Circulation

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required, in accordance with the provisions of CCC 40.350.010. The development plans propose sidewalks along the frontage of NE 104<sup>th</sup> Street, and along the proposed extensions of NE 21<sup>st</sup> Court, NE 107<sup>th</sup> Street, and NE 109<sup>th</sup> Street. An existing parcel of land (#118233-000) creates a gap in the proposed development along its frontage on NE 104<sup>th</sup> Street.

Staff had initially intended to require this development to construct a pedestrian pathway to connect NE 21<sup>st</sup> Court to NE 104<sup>th</sup> Street. Furthermore, staff intended to request that the applicant perform offsite improvements by constructing sidewalks along the frontage of Parcel #118233-000. However, after further review, staff has concluded that as long as sidewalk is not constructed along the entire northerly section of NE 104<sup>th</sup> Street, the pedestrian connection between NE 21<sup>st</sup> Court and NE 104<sup>th</sup> Street would encourage mid-block crossing, and the offsite sidewalk connection by itself will not improve pedestrian safety. Staff believes that crossing NE 104<sup>th</sup> Street at its intersections with NE 20<sup>th</sup> Avenue and NE 23<sup>rd</sup> Street is the safest route for pedestrians. Therefore, staff finds that the proposed pedestrian circulation complies with the requirements of CCC 40.350.010.

### Finding 13 Circulation Plan

NE 23<sup>rd</sup> Avenue and NE 104<sup>th</sup> Street are primary circulator roads in the area. NE 21<sup>st</sup> Court provides for north-south circulation within the development. East-west circulation will be provided by extending existing NE 107<sup>th</sup> Street and NE 109<sup>th</sup> Street through the site. Staff finds that the existing roadways and the proposed onsite roads will provide adequate cross-circulation for serving the proposed subdivision and will allow future developments to meet the cross circulation standards in compliance with CCC 40.350.030(B)(2).

### Finding 14 Roads

NE 104<sup>th</sup> Street is classified as a 'Neighborhood Circulator' road. The right-of-way (ROW) dedications and frontage improvements for this road in accordance with CCC Table 40.350.030-4 and the Standard Details Manual, Drawing #13 include:

- A minimum half-width ROW of 27 feet
- A minimum half-width roadway of 18 feet
- Curb/gutter and a minimum sidewalk width of 5 feet on the north

The project will be required to match the improvements with the existing pavement to the east and west of the development. (see Condition A-5)

NE 107<sup>th</sup> Street is also classified as a 'Neighborhood Circulator' road. The right-of-way (ROW) dedications and frontage improvements for this road in accordance with CCC Table 40.350.030-4 and the Standard Details Manual, Drawing #13 include:

- A minimum width ROW of 54 feet
- A minimum width roadway of 36 feet
- Curb/gutter and a minimum sidewalk width of 5 feet

The proposed improvements comply with the provisions of CCC 40.350.

NE 109<sup>th</sup> Circle and NE 21<sup>st</sup> Court are classified as "Urban cul-de-sac" roads. The right-of-way (ROW) dedications and frontage improvements for these roads, in accordance with CCC Table 40.350.030-4 and the Standard Details Manual, Drawing #15 and #28, include:

- A minimum width right-of-way of 46 feet
- A minimum width roadway of 26 feet
- Curb/gutter and minimum sidewalk width of 5 feet
- The bulb of the cul-de-sac with a minimum of 35-foot radius paved cul-de-sac and 5-foot thickened sidewalk within a 40-foot radius ROW

The proposed improvements comply with the provisions of CCC 40.350.

### Conclusion

Based upon the development site characteristics, the proposed transportation plan, the requirements of the county's transportation ordinance, and the findings above, Engineering Services staff concludes that the proposed preliminary transportation plan, subject to proposed Condition A-5, meets the requirements of the county transportation ordinance.

## **STORMWATER:**

### Finding 15 Applicability

The Stormwater and Erosion Control Ordinance (CCC 40.380) applies to development activities that result in 2,000 square feet or more of new impervious area within the urban area, and the platting of single-family residential subdivisions in an urban area. This project will create more than 2,000 square feet of new impervious surface and involves the platting of a single-family residential subdivision. Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance, CCC 40.380.

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.050. This project is subject to the erosion control ordinance.

### Finding 16 Stormwater Proposal

The applicant proposes to utilize the existing privately-owned stormwater drainage facility, designed and constructed with the Sherwood Hollow Subdivision (SUB 96-041; ENG 99-064), to treat and detain runoff from the impervious surfaces created by the Phase 1, 2, and 3 of the existing Sherwood Hollow development and the proposed Sherwood Hollow West Subdivision. The existing detention facility was designed and constructed under the previous stormwater ordinance. The preliminary stormwater report indicates that the facilities were constructed at a time when lower standards were required by the outdated stormwater ordinance; however, in anticipation of more stringent standards, both water quality and quantity control facilities were designed and constructed in accordance with the current stormwater ordinance.



The project engineer certifies that the existing facilities are capable of treating 70% of runoff due to 2-year, 24-hour design storm and detaining runoff with peak release rates not exceeding one-half of the pre-developed 2-year peak runoff rate, and matching the 10-year and 100-year pre-developed runoff rates, as required in accordance with the current Stormwater & Erosion Control Ordinance (CCC40.380).

The existing storm facilities are currently privately owned and maintained. The applicant will make efforts to convert these facilities into publicly maintained facilities by addressing the pertinent legal and procedural issues. The facilities are currently accessible to the county for inspection.

#### Finding 17 Site Conditions and Stormwater Issues

The site (with slopes of 0% to 5%) contains open pasture, shrubs, trees, an existing residence, and gravel driveways. The home and the driveways will be removed prior to the construction of the subdivision.

The preliminary stormwater report submitted by the applicant indicates that the total area of new impervious surface, consisting of roofs, driveways, and streets, will be approximately 4.27 acres. The pervious areas will amount to 4.03 acres.

USDA, SCS mapping shows the site to be underlain by Hillsboro Silt Loam (HoB & HoC) soils classified by AASHTO as A-4 soils. CCC 13.29, does not list A-4 soils as suitable for infiltration. Therefore, infiltration is not proposed and quantity control is to be achieved by detention within the existing stormwater detention facility.

To ensure that runoff from this development does not adversely impact the conveyance system downstream, the runoff release rates in the directions of the pre-development drainage paths shall not exceed the allowable rates specified in Section 40.380.040(C)(3). The downstream conveyance system shall meet the minimum capacity requirements in accordance with CCC 40.380.040(C)(4). The applicant will be required to submit information with the technical information report (TIR) that shows the existing conveyance system is sized to receive additional runoff from this development, and that no adverse impacts will be caused by runoff from this development. If necessary, the applicant will be responsible for modifying the existing facilities and the downstream stormwater conveyance systems. (see Condition A-6)

In addition, to ensure that the runoff from this development does not increase erosion, an offsite analysis extending a minimum of one-fourth mile downstream from the site, in compliance with CCC 40.380.040(B)(2), will be required. (see Condition A-7)

#### Conclusion

Based upon the development site characteristics, the proposed stormwater plan, the requirements of the county's stormwater ordinance, and the findings above, Engineering Services staff concludes that the proposed preliminary stormwater plan, subject to recommended Conditions A-6 and A-7, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

## **FIRE PROTECTION:**

### **Finding 18 Fire Marshal Review**

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

### **Finding 19 Building Construction**

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (see Condition B-3)

### **Finding 20 Fire Flow**

Fire flow in the amount of 1,000 gallons per minute supplied at 20 PSI for 60 minutes duration is required for this application. Information from the water purveyor indicates that the required fire flow is available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. (see Condition A-8)

### **Finding 21 Fire Hydrants**

Fire hydrants are required for this application. The applicant shall provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads. Fire Marshal staff indicates that the indicated number and the spacing of fire hydrants is adequate, as shown.

### **Finding 22 Fire Access and Maneuvering**

The project is required to provide an unobstructed vertical clearance of not less than 13.5 feet, with an all-weather driving surface capable of supporting the imposed loads of fire apparatus. Fire Marshal staff indicates that the roadways and maneuvering areas as indicated in the application meet the requirements, in accordance with the Transportation Standards.

## **WATER & SEWER SERVICE:**

### **Finding 23 Utilities**

The development is required to be connected to public water and sewer. The site will be served by Clark Public Utilities for public water and by the Hazel Dell Sewer District for public sewer. The applicant submitted current utility reviews from the purveyor confirming that services are available to the site and indicating the requirements for connection.

Prior to final plat approval, the applicant shall provide documentation from the purveyors that water and sewer connections to the new lots have been installed and approved. (see Condition A-9)

#### Finding 24 Health Department

The applicant submitted documentation of a Development Review Evaluation conducted by the Clark County Health Department indicating that no evidence of septic systems or wells was observed during the field evaluation.

#### **IMPACT FEES:**

#### Finding 25 Impact Fees

The additional residential lots created by this plat will produce impacts on schools, parks, and traffic, and are subject to School (SIF), Park (PIF), and Traffic Impact Fees (TIF) in accordance with CCC 40.610 & 40.620.

The site is within:

- Vancouver School District, with a SIF of \$1,725.00 per dwelling
- Park District #8, with a PIF of \$1,800.00 per dwelling (\$1,360 for park acquisition / \$440 for park development).
- Hazel Dell TIF sub-area with a TIF of \$1,325.92 per dwelling.

Impact fees shall be paid prior to issuance of a building permit for each lot; provided that one lot (to be so designated on the final plat) may be exempt from impact fees as credit for the existing dwelling being removed.

If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees will be recalculated according to the then-current ordinance rate. (see Conditions B-4 & C-2)

## **SEPA DETERMINATION**

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval and, therefore, requiring the preparation of an Environmental Impact Statement (EIS);
- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval), or;
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

## Determination:

**Determination of Non-Significance (DNS).** Clark County, as lead agency for review of this proposal, has determined that this proposal does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030 (2) (e). This decision was made after review of a completed environmental checklist and other information on file with the County.

## Date of Publication & Comment Period:

Publication date of this DNS is November 8, 2004, and is issued under WAC 197-11-340. The lead agency will not act on this proposal until the close of the 14-day comment period, which ends on November 22, 2004

<p><b><u>Public Comment Deadline:</u></b> <b>November 22, 2004</b></p>
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## SEPA Appeal Process:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$186**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

*Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.*

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

**Staff Contact Person:** Alan Boguslawski, (360) 397-2375 ext. 4921

**Responsible Official:** Michael V. Butts

**Public Service Center  
Department of Community Development  
1300 Franklin Street  
P.O. Box 9810  
Vancouver, WA 98666-9810  
Phone: (360) 397-2375; Fax: (360) 397-2011  
Web Page at: <http://www.co.clark.wa.us>**

## **RECOMMENDATION**

Based upon the proposed plan (identified as Exhibit #5) and the findings and conclusions stated above, staff recommends that the Hearings Examiner **APPROVE** this request, subject to the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

## **Conditions of Approval**

### **A. Conditions that must be met prior to Final Plat Approval**

- A-1** The plat shall be amended so that proposed lots 7, 25, and 29 meet the minimum average lot depth for the R1-6 zone of 90 feet, in accordance with CCC Table 40.220.010-2; or the applicant shall obtain approval of a Type 1 administrative variance, in accordance with CCC 40.550.020, to reduce the lot depth as shown. (see Finding 1)
- A-2** Prior to demolition of any existing structures on the site, the applicant shall obtain approval of a demolition permit from the Clark County Building Department. The applicant shall comply with all applicable asbestos inspection and control regulations, in accordance with the procedures of the Southwest Clean Air Agency. (see Finding 2)
- A-3** The applicant shall reimburse the county for the cost of concurrency modeling incurred in determining the impact of the proposed development, in an amount not to exceed \$1,500. The reimbursement shall be made within 60 days of issuance of the staff report, with evidence of payment presented to staff at Clark County Public Works. (see Finding 5)

- A-4** The applicant shall submit a signing and striping plan for improvements to the intersection of NE 23<sup>rd</sup> Avenue and NE 99<sup>th</sup> Street, and a reimbursable work order authorizing Clark County Road Operations to perform the required signing and striping within the county right-of-way. This plan and work order shall be approved by the Department of Public Works-Transportation prior to final plat approval. (see Finding 6)
- A-5** The project shall extend the pavement along NE 104<sup>th</sup> Street beyond the property frontage to match the existing roadway to the east and west of the site with taper rates approved by the county. (see Finding 14)
- A-6** The applicant shall amend the TIR for the existing facilities to show that these facilities and the downstream conveyance systems are sized to receive additional runoff from this development; and that no adverse impacts will result due to runoff from this development. The applicant shall be responsible for any modification requirements that may be triggered by this development. (see Finding 17)
- A-7** An offsite analysis for water quality impacts, extending a minimum of one-fourth mile downstream from the development site, shall be required. (see Finding 17)
- A-8** Fire flow in the amount of 1,000 gallons per minute supplied at 20 PSI for 60 minutes duration is required for this development. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. Fire hydrants shall be provided with appropriate "Storz" adapters for the pumper connection. A six-foot clear space shall be provided and maintained around every fire hydrant. (see Finding 20)
- A-9** The applicant shall provide documentation from Clark Public Utilities and the Hazel Dell Sewer District that water and sewer connections to the new lots have been installed and approved. (see Finding 23)

<b>B. Conditions that must be met prior to issuance of Building Permits</b>
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- B-1** The applicant shall ensure the installation of separate southbound left and right turn lanes (and all related features) on NE 23<sup>rd</sup> Avenue at its intersection with NE 99<sup>th</sup> Street, and provide for minimum vehicle storage, unless otherwise directed by the Director of Public Works. The turn lane shall be operational according to approved plans prior to the issuance of building permits. (see Finding 6)
- B-2** Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

The applicant shall maintain all existing signs within the public right-of-way within the limits of the development's construction until the public roads have been accepted by the county. The developer shall install and maintain temporary

signs where the development's signing and striping plan shows new or modified warning or regulatory signs. New or modified temporary signing shall be installed when any connection is made to the public road network. The developer shall remove the temporary signs immediately after the county installs the permanent signing and striping. (see Finding 11)

**B-3** Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (see Finding 19)

**B-4** Impact fees shall be paid prior to issuance of a building permit for each lot, as follows; PROVIDED, one lot (to be so indicated on the plat) may be exempt from impact fees as credit for the existing dwelling being removed:

- Traffic Impact Fees: \$1,325.92 (Hazel Dell TIF sub-area)
- Park Impact Fees: \$1,800.00 (Park District #8)  
(\$1,360 – Acquisition/\$440 – Development)
- School Impact Fees: \$1,725.00 (Vancouver School Dist)

If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees shall be recalculated according to the then-current ordinance rate. (see Finding 25)

### **C. Notes Required on Final Plat**

The following notes shall be placed on the final plat:

#### **Zoning:**

**C-1** "Dwellings and other structures on the lots in this plat shall be constructed in accordance with the setbacks, height regulations, lot coverage, parking standards, and other applicable standards for the R1-6 zone in CCC 40.220.010." (see Finding 1)

#### **Impact Fees:**

**C-2** "In accordance with CCC 40.610 & 40.620, (except for Lot [REDACTED], exempt as credit for the existing dwelling removed from the site) the School, Park, and Traffic Impact Fees for each dwelling in this subdivision are respectively: \$1,725.00 (Vancouver School Dist), \$1,800.00 (Park District #8) (\$1,360 – Acquisition; \$440 – Development), and \$1,325.92 (Hazel Dell TIF sub-area). The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated [REDACTED], and expiring on [REDACTED]. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule." (see Finding 25)

**Archaeological:**

- C-3** "If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

**Sidewalks:**

- C-4** "Prior to issuance of an occupancy permit for each lot in this plat, sidewalks shall be constructed along the lot frontage."

**Mobile Homes:**

- C-5** "Mobile homes are prohibited on the lots in this subdivision in accordance with CCC 40.260.130."

**Critical Aquifer Recharge Areas:**

- C-6** "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."

**Erosion Control:**

- C-7** "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."

**Utilities:**

- C-8** "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."

**Driveways:**

- C-9** "All residential driveway approaches entering public roads are required to comply with CCC 40.350."



### **Privately Owned Stormwater Facilities:**

- C-10** "The Developer or the Home Owners Association is responsible for long-term maintenance of the privately owned stormwater facilities."

## **D. Standard Conditions**

This development proposal shall conform to all applicable sections of the Clark County Code. The following conditions shall also apply:

### **Land Division:**

- D-1** Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

### **Final Construction Plan Review:**

- D-2** Prior to construction, the applicant shall submit and obtain county approval of a final stormwater plan designed in conformance to CCC 40.380.
- D-3** Prior to construction, the applicant shall submit and obtain county approval of a final transportation design in conformance to CCC 40.350.

### **Pre-Construction Conference:**

- D-4** Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the county.

### **Erosion Control:**

- D-5** Prior to construction, the applicant shall submit and obtain county approval of a final erosion control plan designed in accordance with CCC 40.380.
- D-6** A copy of the approved erosion control plan shall be submitted to the Chief Building Official prior to final plat recording.
- D-7** Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- D-8** Erosion control facilities shall not be removed without county approval.

### **Excavation and Grading:**

- D-9** Excavation/grading shall be performed in compliance with Appendix Chapter 33 of the Uniform Building Code (UBC).

**D-10** Site excavation/grading shall be accomplished, and drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

**Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a hearing extension and pay half the original review fee with a maximum fee of \$5,000.**

## **HEARING EXAMINER DECISION AND APPEAL PROCESS**

This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

An **appeal** of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The appeal shall be filed with the Board of County Commissioners, Public Service Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the final land use decisions shall be in writing and contain the following:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;

3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied, on to prove the error; and,
4. A check in the amount of **\$279** (made payable to the Clark County Board of County Commissioners).

**Attachments:**

- Copy of SEPA Checklist
- Copy of Vicinity Map
- Copy of Proposed Preliminary Plan
- Exhibit List

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A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center  
Department of Community Development  
1300 Franklin Street  
P.O. Box 9810  
Vancouver, WA. 98666-9810  
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:  
Web Page at: <http://www.clark.wa.gov>